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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,172	05/09/2001	John P. Ertel	10007145-1	5949

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EXAMINER

HAWKINS, CHERYL N

ART UNIT	PAPER NUMBER
1734	

DATE MAILED: 03/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/853,172	ERTEL ET AL.
	Examiner Cheryl N Hawkins	Art Unit 1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on December 26, 2002.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 18-20 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 May 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2,4</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I, Claims 1-17, in Paper No. 5 is acknowledged.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 15, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Luhman et al. (US 5,536,044). Luhman et al. discloses a system for binding sheets into bound text bodies having respective spines exposed for adhesive application (abstract; Figure which includes an adhesive dispenser (Figure 6, adhesive handling subsystem 92) configured to dispense across the thickness dimension of a text body spine a solid sheet adhesive having one of multiple effective widths sized to correspond to the length dimension of the text body spine (column 6, line 66 through column 7, line 41). For the purposes of examination, it is being assumed that the system claimed by the applicant is an apparatus.

As to Claim 15, Luhman et al. discloses a system in which the adhesive dispenser includes a length cutter (Figure 6, pivotable cutting blade 112) for cutting the solid sheet adhesive to a length at least as large as the thickness dimension of the text body spine (column 7, lines 10-26).

As to Claim 16, Luhman et al. discloses a system in which the adhesive dispenser is configured to cut across the solid sheet adhesive beyond the cut width edge of the solid sheet adhesive with the length cutter to prepare a clean leading edge for a subsequent sheet binding (Figure 6, cutting blade 112).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-6, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luhman et al. (US 5,536,044) as applied to claim 1 above, and further in view of Mallonee (US 5,460,672). As to Claims 2 and 11, Luhman et al. does not disclose a system in which the adhesive dispenser is configured to simultaneously dispense multiple segments of solid sheet adhesive along the length dimension of the text body spine. Mallonee discloses a web material dispenser which is configured to simultaneously dispense multiple segments of solid sheet material along a length dimension. When utilizing the apparatus of Luhman et al. to binding oversized books, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the adhesive dispenser of Luhman et al. to simultaneously dispense and join multiple segments of standard sized solid sheet adhesive webs as suggested by Mallonee to accommodate the length of oversized books.

As to Claims 3 and 4, Luhman et al. does not disclose a system in which the adhesive dispenser is configured to dispense solid sheet adhesive segments of different widths or of the same width. Mallonee discloses a web material dispenser which is configured to dispense multiple segments of solid sheet material of different widths (column 6, lines 21-25) or of the same width (column 5, lines 14-17). When modifying the apparatus of Luhman et al. as noted above to simultaneously dispense and join multiple segments of standard sized solid sheet adhesive webs as suggested by Mallonee to accommodate the length of oversized books, it would have been obvious to one of ordinary skill in the art at the time of the invention to vary the widths of the individual solid sheet adhesive webs, e.g. joining a small width adhesive sheet and a large width adhesive sheet, to provide a composite adhesive web which has a width that substantially matches the length of the oversized book.

As to Claims 5 and 12, Luhman et al. does not disclose a system in which the adhesive dispenser is configured to dispense at least one solid sheet adhesive segment independently or sequentially of the other solid sheet adhesive segments. When modifying the apparatus of Luhman et al. as noted above to dispense multiple segments of standard sized solid sheet adhesive webs as suggested by Mallonee to accommodate the length of oversized books, it would have been obvious to one of ordinary skill in the art at the time of the invention to dispense the adhesive sheet segments independently and sequentially such the plurality of adhesive sheet segments overlap to provide a composite adhesive web which has a width that substantially matches the length of the oversized book.

As to Claim 6, Luhman et al. does not disclose a system in which the adhesive dispenser includes a roller system for dispensing multiple segments of solid sheet adhesive. Mallonee discloses a web material dispenser which includes a roller system for dispensing multiple

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segments of solid sheet materials (Figure 7). When modifying the apparatus of Luhman et al. as noted above to simultaneously dispense and join multiple segments of standard sized solid sheet adhesive webs as suggested by Mallonee to accommodate the length of oversized books, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the apparatus of Luhman et al. with a roller system designed for dispensing multiple segments of sheet materials as suggested by Mallonee.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luhman et al. (US 5,536,044) and Mallonee (US 5,460,672) as applied to claim 6 above, and further in view of Dim et al. (US 6,460,843). Luhman et al. does not disclose a system in which the roller system includes a drive shaft supporting multiple drive rollers. Dim et al. discloses a paperback finishing machines which includes a roller system having a drive shaft supporting multiple drive rollers (Figure 5). When modifying the apparatus of Luhman et al. as noted above to include a roller system designed for dispensing multiple segments of sheet materials, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a roller system having a drive shaft supporting multiple drive rollers for maintaining better alignment of the multiple sheet segments being dispensed.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luhman et al. (US 5,536,044), Mallonee (US 5,460,672), and Dim et al. (US 6,460,843) as applied to claim 7 above, and further in view of Nakamura (US 5,842,691). Luhman et al. discloses a system in which the adhesive dispenser is manually controlled (column 6, line 66 through column 7, line 10), but does not disclose means for automating the operation of the adhesive dispenser. It is

well known and conventional in the web handling apparatus art, as disclosed by Nakamura (column 7, lines 21-25), to use a motor for driving the drive shaft and a clutch for enabling the drive rollers to be driven by the motor. When modifying the apparatus of Luhman et al. as noted above to include a roller system having a drive shaft supporting multiple drive rollers, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the use of a conventional motor for driving the drive shaft and a conventional clutch for enabling the drive rollers to be selectively driven by the motor thereby providing automated operation of the apparatus.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luhman et al. (US 5,536,044) and Mallonee (US 5,460,672) as applied to claim 2 above, and further in view of Kuhns (US 3,953,277) and Steinberg et al. (US 6,129,796). Luhman et al. does not disclose a system which includes an adhesive quantity interrogator configured to obtain indications of the length of each solid sheet adhesive segment remaining in a plug-in cartridge housing. Kuhns discloses a bookbinding apparatus which includes a plug-in cartridge housing (Figure 1, cartridge 57) containing a roll of solid sheet adhesive (Figure 1, adhesive bearing strip 30). It is well known and conventional in the material dispensing apparatus art, as disclosed by Steinberg et al. (column 8, lines 51-53), to use a quantity interrogator to determine the remaining amount of material on a spool. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the apparatus of Luhman et al. with a plug-in cartridge housing as suggested by Kuhns to ease replenishment of the adhesive sheet material and an adhesive quantity interrogator configured as suggested by Steinberg et al. to obtain indications of the length of each solid sheet adhesive segment remaining in a plug-in cartridge housing.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luhman et al. (US 5,536,044), Mallonee (US 5,460,672), Kuhns (US 3,953,277), and Steinberg et al. (US 6,129,796) as applied to claim 9 above, and further in view of Whiteman (US 3,582,010). Luhman et al. does not disclose a system which includes a controller configured to transmit a warning message when any of the solid sheet adhesive segments are nearly spent. It is well known and conventional in the material dispensing apparatus art, as disclosed by Whiteman (column 6, lines 43-50), to use a controller to detect when a material supply is almost depleted. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the apparatus of Luhman et al. with a conventional controller as suggested by Whiteman to detect and alert a user of the depletion of the adhesive sheet supply.

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luhman et al. (US 5,536,044) and Mallonee (US 5,460,672) as applied to claim 12 above, and further in view of Kuhns (US 3,953,277). Luhman et al. does not disclose a system in which the adhesive dispenser is configured to position a plug-in cartridge housing containing a roll of solid sheet adhesive at multiple locations along the length dimension of the text body spine. Kuhns discloses a bookbinding apparatus which includes an adhesive dispenser configured to position a plug-in cartridge housing (Figure 1, cartridge 57) containing a roll of solid sheet adhesive (Figure 1, adhesive bearing strip 30) along the text body spine. When modifying the apparatus of Luhman et al. as noted above to simultaneously dispense and join multiple segments of standard sized solid sheet adhesive webs as suggested by Mallonee to accommodate the length of oversized books, it would have been obvious to one of ordinary skill in the art at the time of the

invention provide the apparatus of Luhman et al. with a plurality of plug-in cartridge housings containing a roll of solid sheet adhesive at multiple locations along the length dimension of the text body spine.

11. Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luhman et al. (US 5,536,044). Luhman et al. discloses a system in which the solid sheet adhesive can be cut by automated means to an effective width corresponding to the length dimension of the text body spine (column 7, lines 26-31), but is silent as to automated means for providing this cut. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Luhman et al. to provide this cut with an additional automated cutter such as the cutter provided for severing the length of the solid sheet adhesive (Figure 6, cutting blade 112).

12. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luhman et al. (US 5,536,044) as applied to claim 14 above, and further in view of Mallonee (US 5,460,672) and Leifeld (US 4,839,943). Luhman et al. does not disclose a system in which the adhesive dispenser includes a waste reservoir configured to store excess solid sheet adhesive cut by the width cutter. Mallonee discloses a web handling apparatus which includes a width cutter (Figure 7, welding and trimming means 54) and removal of the trimmed material (Figure 7, trim remover means 70). It is well known and conventional in the waste material handling art, as disclosed by Leifeld (Figure 1, waste container 15), to provide a container for storing waste materials. When modifying the apparatus of Luhman et al. as noted above to include a width cutter, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the

adhesive dispenser with a waste reservoir as suggested by Leifeld for storing the excess trimmed solid sheet adhesive.

***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl N. Hawkins whose telephone number is (703) 306-0941. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (703) 308-3853. The fax phone numbers for the organization where the application or proceeding is assigned is (703) 872-9310 for regular communications or (703) 872-9311 for After-Final communications.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-0661.

Cheryl N. Hawkins

*Cheryl N. Hawkins* 3/10/03

March 10, 2003

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